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In re Application of	:	
KAY, et al.	:	DECISION ON RENEWED
U.S. Application No.: 09/807,167	:	
PCT No.: PCT/GB99/03169	:	PETITION UNDER
Int. Filing Date: 11 October 1999	:	
Priority Date: 09 October 1998	:	37 CFR 1.47(a)
Attorney Docket No.: 7413-3	:	
For: FLOOR COVERING MATERIAL AND	:	
METHOD FOR PRODUCING SAME	:	

This decision is in response to applicants' "Renewed Petition to Establish Unavailability of Inventor Under 37 C.F.R. §1.47(a)" filed 11 January 2002 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 18 September 2001, applicant was mailed a decision dismissing applicant's petition to accept the application without the signature of joint inventor Grenville SEAGER. Applicant was afforded two months to file any request for reconsideration.

On 11 January 2002, applicant filed the present renewed petition. The renewed petition includes certification that the papers were deposited for mailing on 16 November 2001 and are thus considered to be timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the requisite \$130 petition fee required by 37 CFR 1.17(I); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing joint inventor; and (4) an oath or declaration executed by each of the signing joint inventors on their behalf and on behalf of the non-signing joint inventor(s). Applicant previously satisfied items (1) and (4) above.

Regarding item (3), applicants have presently provided a statement of the last known address of the missing joint inventor; thus satisfying item (3).

As to Item (2), applicants have now provided firsthand knowledge that a complete set of

application papers were sent to Mr. SEAGER's last known address and returned undeliverable. Additionally, applicants have now provided copies of the cover letter and returned envelope with a "addressee has gone away" stamp. However, a single mailing of the papers to the non-signing inventor's last known address does not constitute a "diligent" effort to locate the inventor. Applicant must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate Mr. SEAGER.


For the reasons stated above it is not possible to grant applicants' renewed petition under 37 CFR 1.47(a) at this time.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED, without prejudice.**

Applicants are hereby afforded TWO (2) MONTHS from the mail date of this decision to file either 1) an oath or declaration in compliance with 37 CFR 1.497 (a)-(b) signed by all inventors or 2) a renewed petition satisfying all requirements under 37 CFR 1.47(a). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be directed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter directed to the attention of the PCT Legal Office.



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